

Introduction

1. The Applicant contests the decision to deny the application for the National Professional Staff (NP) position at the UN, - "e.e" in the C.#" Affairs /e\$tion ()CA/*+ of the United Nations Peacekeeping 10%e in C2!%us ()UN13C4P*+5 ad.e#t#sed t %oug Jo& ' !en#ng ()J' *+ 6/2017 ()t e Post#on*+5 and t e#fo#e5 to e8\$"ude #m f%om t e %e\$%u#tment !%o\$ess.

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&. 1#nan\$a" \$om!ensat#on fo% mo#a" damages5 %e!utat#on and #nteg#t2 damages5 as 9e"" as fo% t e)de"#&e%ate attem!t to !%e.ent > #s? \$a%ee% de.e"o!ment*=-

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Preliminary Matters

7. The Respondent advised that although on the merits it was not necessary to reach the Applicant's requested award. The latter

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15. F. C&o% test#f#ed t at #n %es!onse to t e a&o.e5 e to"d t e CCP ' t at #n "#g t of t e g%eat #nte%est #n t e t9o !osts among "o\$a" staff5 #t 9ou"d &e a !#t2 not to g#.e an2 of t em a \$ an\$e to \$om!ete. <e t e%efo%e as0ed t e CCP ' to a.e anote% "oo0 at t e "#st to see #f at "east one G%ee0,C2!%#ot and one Tu%0s , C2!%#ot "o\$a" staff mem&e% \$ou"d &e #n\$"uded5 and ment#oned t e A!!"#\$ant as one of t9o good #nte%na" \$and#dates. <e fu%t e% to"d t e T%#&una" t at e ad 9o%0ed 9#t t e A!!"#\$ant a g%eat dea"5 One9 e ad a un#.e%st2 deg%ee and t oug t e \$ou"d !e%fo%m 9e"" #n t e Pos#t#on. 1#na""25 e \$onf#%med not to a.e \$ e\$0ed t e A!!"#\$antCs P<P o% ana"2se #s 9o%0 e8!e%#en\$e aga#

76. The Applicant gave evidence concerning his professional activities at the end of 2009 and at the beginning of 2010. He stated that he had been employed by the Applicant as a Press Attaché in Bern from 2009 to 2010. He stated that he had been employed by the Applicant as a Press Attaché in Bern from 2009 to 2010.

77. The Applicant stated that he had been employed by the Applicant as a Press Attaché in Bern from 2009 to 2010. He stated that he had been employed by the Applicant as a Press Attaché in Bern from 2009 to 2010. He stated that he had been employed by the Applicant as a Press Attaché in Bern from 2009 to 2010.

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Parties' submissions

41. T e A!!"#SantCs !%#n\$#!a" \$ontent#ons a#e;

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d. According to the Manual for the Applicant on the Staff Selection System (inspired since August 2011) established at the G/6 "e.e" and also considered as "Professional" established. In 2006 the "e.e" established the "na" "e.e" for the "P,2" posts and selected in UN313J as a "C.#" Affair's "ff" at the P,2 "e.e". The Affair's Union, United Nations Fission in DaFu and UNF3J found that the meeting "g&" "t2" "te#a" for "C.#" Affair's "posts and "sm#a" "o\$u!atona" groups in the "Professional" category-

d. The Administration "e.e" "o.#ded" and "anations" of "ues" going to the "g&" "t2" for "National" "Professional" "ff" "posts. The "and" "e" "g&" "t2" "seen" "s a" "o\$ess" "s" "to" "nt" "et" and "o9" "ng a" "e" "ta" "f" "e8&" "t2". "e" "t" "e" "2ea" "s" "e" "as" "su\$ess" "e" and "ont" "ad" "sto" "2" "been" "found" "e" "g&" "e" and "ne" "g&" "e" for "different" "posts" "e:u" "ng" "essent" "a" "2" "t" "e" "same" "e8!e" "en" "Se" "9" "\$" "cannot" "ut" "se" "ous" "2" under "m" "ne" "s" "t" "ust" "n" "t" "e" "fa" "ness" and "sons" "sten" "2" of the Administration's assessment-

e. The memorandum of the Assistant /e"eta"2, Geneva" for "uman" "esou" "ses" "F" "anagement" "ent" "ed" "Recent" "changes" "in" "the" "staffing" "procedures" "nd" "ates" "t" "at" "e8!e" "en" "Se" "at" "t" "e" "G,6" "e.e" "s" "ou" "d" "a.e" "been" "counted" "as" "e" "e" "ant" "!" "of" "ess" "ona" "e8!e" "en" "Se". The "e8!e" "en" "Se" "e" "a\$:" "u" "ed" "!" "o" "to" "Som" "et" "on" "of" "s" "a" "dem" "\$" "deg" "ees" "s" "ou" "d" "a" "so" "a.e" "been" "counted" "as" "!" "of" "ess" "ona" "e8!e" "en" "Se". "n" "2" "50M" "of" "t" "e" "A!" "!" "Sant" "Cs" "9" "o" "0" "ng" "e8!e" "en" "Se" "as" "a" "esea" "\$" "Asso" "\$" "ate" "9" "as" "counted" "I" "des" "!" "te" "e" "ng" "e" "ea" "2" "stated" "as" "a" "fu" "t", "t" "me" "em" "!" "o" "2" "ment" "I" "9" "t" "out" "g" ".ng" "a" "reason" "o" "a" "ega" "e" "as" "s" "fo" "t" -

f. At the meeting of 26 "Sto"e" 2017's. Gaddoua suggested the A!" "Sant" "Cs" "ate" "a" "mo.e" "to" "CA/". According to the "ues" "t" "e" "m" "n" "mum" "9" "o" "0" "ng" "e8!e" "en" "Se" "e:u" "e" "ments" "fo" "G,6" "posts" "s" "se" "en" "2ea"s. F.s. Gaddoua considered the A!" "Sant" "to" "e" "g&" "e" "9" "e" "eas" "s" "e" "d" "s:ua" "f" "ed" "m" "fo" "t" "e" "N" ', - "lost" "e" "ause" "a\$So" "d" "ng" "to" "e" "e" "d" "d" "not" "!" "ossess" "t" "e" "m" "n" "mum" "9" "o" "0" "ng" "e:u" "e" "ment" "of" "t" "9" "o" "2ea"s -

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f. The A!!"#Sant 9as g#.en \$ed#t fo% a'f of #s e8!e#en\$e as an #nte%n 9#t t e Dm&ass2 of t e @e!u&"#\$ of C2!%us #n Bas #ngton D.C. As an #nte%ns #! #s \$ons#de%ed to &e a "ea%n#ng e8!e#en\$e5 t #s e8!e#en\$e #s \$ounted on"2 at 50M. T #s a!!%oa\$ of !%o!o#t#onate \$ed#t#ng #s a"so used #n t e \$a"\$u"at#on of "e.e" and ste! u!on %e\$%u#tment. T e A!!"#SantCs e8!e#en\$e as @esea%\$ Ass#stant 9as \$ed#ted a'f5 as #s 9o%0 9as of a\$adem#\$ natu%e (%esea%\$ fo% t e !u!%ose of a &oo0 to &e 9#tten &2 #s un#.e#s#t2 !%ofesso%+ and 9as a\$:u#%ed 9 #e e 9as stud2#ng fu"" ,t#me=

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0. The circumstances of the Applicant's interview are relevant to the
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Consideration

Issue #5 were the rules followed correctly to assess relevant professional experience of the Applicant for the advertised ' ' (

47. The "ega" fame9o%0 fo% t e se"e\$#on of NP ' !osts #s !%#ma%#2 \$ontained #n t e Femo%andum of t e t en Unde%, /e\$%eta%2, Gene%a"5 De!a%tment of 1#e"d /u!%o%t5 ent#t"ed Delegation of Recruitment Authority and Responsibility for !ational Professional "fficers5 dated 17 ' \$to&e% 2006 ()2006 Femo%andum*+.

44. A"t oug Adm#n#st%at#.e 3nst%u\$#on /T/A3/2010/7 (/taff /e"e\$#on /2stem+5 9 # \$ a!!"#es to #nte%nat#ona" staff %e\$%u#tments5 e8!%ess"2 e8\$"udes (#n se\$. 7.2(++ t e %e\$%u#tment !%o\$edu%es fo% NP ' !osts #n !ea\$e0ee!#ng o!e%at#ons and s!e\$a" !o"#t#\$a" m#ss#ons f%om #ts s\$o!e5 t e 2006 Femo%andum

4E.

51. As the head of the office, Ms. Gaddouma was expected to assess the integrity of candidates for the Position. As the office's policies for ensuring the integrity of an appointment process in the Federation's selection system are not on the whole, but also due to the fact that the candidates' conduct had been determined.

52. The fact that the selection process of the Education Sector was conducted before Ms. Gaddouma took over the CCP's functions did not prevent her from fulfilling her duties as she deemed necessary. As stated in Gusarova;

The Manual for the Recruiter on the Staff Selection System

60. The Commission has noted that the decision was issued on 21 February 2014 and was not a final decision at the time of the contested decision. In assuming that the Commission's decision is not final, the Tribunal should be guided as follows:

65. In the event of a total and permanent disability, the applicant is entitled to receive a lump sum of \$200,000.

66. 'n t e &as#s of t #s "#st5 t e A!!"#\$ant \$"a#ms mo%e t an f#.e 2ea%s of %e"e.ant !%ofess#ona" e8!e%#en\$e5 9 #e Fs. Gaddou%a%\$ \$a"\$u"at#on %esu"ted #n a tota" of 14.5 mont s afte% #s -a\$ e'o%Cs and t %ee mont s afte% #s Faste%Cs deg%ee. T e d#ffe%en\$e &et9een t e t9o \$a"\$u"at#ons a%se &e\$ause t e Adm#n#st%at#on;

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69. T e f#%st of t ese d#ffe%en\$es #n \$a"\$u"at#on 9as #n "#ne 9#t t e !"a#n 9o%dn%g of t e J' and 9#t t e ' <@ F gu#de"#nes a!!"#\$a&"e at t e %e"e.ant t#me5 as d#s\$ussed #n !a%as. 67 to 65 a&o.e.

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Case No. UNDT/GVA/2014/026

Judgment No. UNDT/2015/042

62. The time gap between the notification to the Applicant of the award from the Ombudsman and the notification of analogous decisions to other candidates does

92. Cranfield 2017, UNAT, 76E Son\$e%ned a \$ase 9 e%e a staff mem&e% 9 as

Conclusion

96. In the event of the foregoing, the Tribunal shall;

The award shall be set aside.

(Signed)

Judge Colonna / a9

Dated this 2E